

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

VICTOR JOSE PONCE DE
LEON,

Plaintiff,

v.

Case No. 6:20-cv-1394-Orl-18NPM

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

ORDER

Before the Court are Defendant's Opposed Motion for Stay of Proceedings (Doc. 11) and Plaintiff's Response (Doc. 12). In this Social Security case, Defendant requests the Court stay the proceedings for ninety days or until such time as the Agency regains capacity to produce a certified transcript of the administrative record necessary to draft an answer and adjudicate the case. (*Id.*, p. 1). Due to the current situation in this country, Defendant represents the Agency has transitioned to a telework environment, but encountered difficulties that impact the operations of the Social Security Administration's Office of Appellate Operations. (*Id.*, pp. 1-3). While Plaintiff opposes the ninety-day stay because Defendant has not provided a

specific status regarding the transcript in this case, Plaintiff does agree to a sixty-day extension of time. (Doc. 12, pp. 1-2).

A court has broad discretion whether to stay a proceeding “as an incident to its power to control its own docket.” *Clinton v. Jones*, 520 U.S. 681, 706-707 (1997). The court must weigh the benefits of the stay against any harms of delay. *Id.* at 707. Here, the Commissioner has provided good cause to extend the deadline to file the certified transcript and answer. But the Court finds a ninety-day extension would cause undue delay. The Court will extend the deadline to file the certified transcript and answer by sixty days.

Accordingly, it is **ORDERED** that the Opposed Motion for Stay of Proceedings (Doc. 11) is **GRANTED in part**. The Court extends the deadline for Defendant to file a certified transcript and answer to **December 28, 2020**.

DONE and **ORDERED** in Fort Myers, Florida on October 29, 2020.



NICHOLAS P. MIZELL
UNITED STATES MAGISTRATE JUDGE